P17

Scott. 21-27—40,000—20-12-38.

(193) Department.

SERIES.

G.O. No. 124

Dated

[Despatch Abstract]

[illegible] - [illegible] - (South Kanara) - Udipi

[illegible] - Taluq - Kapu Village - S. Nos. 164-2

[illegible] - S. Ananthapadmanabha Bhatta -

[illegible] Rejected.

To

The Hon'ble Mr. V. I. Muniswami Pillai,
Minister for Agriculture and Rural Development,
M A D R A S.

185 Humble petition of S. Ananthapadmanabha Bhatta, son of Venkatasubba Bhatta, No.40, Byrampalli Village, Udipi Taluk, South Kanara.

Petitioner begs to state as follows:

1. The Petitioner applied for Dharkast of plots marked as N.S. No. $\frac{164}{2}$ and $\frac{211}{2}$ carved out of Hill No. 137 of Byrampalli Village in D.R. 128 of 1343 of Udipi Taluk Office, on the ground that the said plots contain water sources necessary for the cultivation of his patta fields and also that the forest growth on the said plots had been conserved by his ancestors for a long time. The said plots though beyond the kumki plots are still undivided from the Kumki plots granted on Dharkast to the Petr, and they are enclosed with fence raised by the Petr. and his ancestors. The then collector of S. Kanara, rejected the application on the ground that the applicant was a non-cooperator on 4-8-1934 by D. Dis.3075-34.

2. After the change of view about Non-cooperators adopted by the Government, the Petr. again applied to the District Collector of S. K. on 20-5-1938, but the Collector by D. Dis.3324 of '38 dated 16th August '38, rejected the petition stating that there is no ground for reconsideration of the order previously passed.

3. Being highly aggrieved by this order, the Petr. has filed this application against the order. On both occasions the Revenue Inspector and the Tahsildar have reported after local enquiry in favour of the applicant. There is no contest by any other applicant for the said plots. The plots contain water sources and the forest growth has been conserved by the Petr. and his ancestors; and the ground on which refusal was based previously can hardly stand in these days.

contd

4. The Petr. is afraid of valuable trees existing on the land being immediately cut by the Forest Department which would affect the water supply for the irrigation of the Nanja fields from the water sources. It is absolutely necessary that an order should be made suspending the operation of cutting of the trees by the Forest Department.

For the reasons set out above, the Petr. prays for setting aside the order of the District Collector, granting the plots on assignment, also for issuing an order for staying the cutting of the trees to the Forest Officer pending the enquiry and also for communication of the said order by Telegram.

Your humble petitioner

P. Narasimhalu

19-9-38.

20/219

Very Urgent

Dev. Secy

OM No. 24765-I/ dy 20.9.38
J.T.-2

Trees - S. Kamara - Kodipi Taluk
Byrampalli village - Assignment of land

Petn. from Sri S. Anantapadmanatha Bhatta dy 19.9.38

Referred to the ~~Col~~ S.H. collector in consultation with the D.F.O. He is requested to submit his report through the C.C.F. and the Dy. of Revenue.

2. The C.C. is requested to issue instructions to the D.F.O. not to cut or remove any of the trees from the plots in question pending further orders of Govt. on this petn.

3 The concerned files both in the Coll's Office and the D.F.O's Office, if any, on the subject should also be submitted for the perusal of Govt

RK
19.

Rm
19/1
SJS
19/9/38

2

The C.C.F.
The Coll. of
S. Kanara

with a copy of the Govt. Order

Dpd. by
Messenger

Dpr.'s initials
Date
193

4

C.F. 31—14,000—7-7-37.

Development DEPARTMENT.

CURRENT No. 5178

*Received*_____ 19 *Registered*_____ 19

Subject.

Assignment -land -(South Kanara)- Udipi Taluk - Bairampalli village - S.Nos.164/2 and 211/2 - Sri S.Anantapadmanabha Bhatta Petition - Report submitted.

Ref.B. No.126/39-1

Station Madras, *Dated the* 15th February 1939

From S.Venkateswaran Esquire, I.C.S.,

Secretary,

Board of Revenue.

F.W.Stewart Esquire, M.C., C.I.E., I.C.S.,

Commissioner of Land Revenue.

*****

Read the following:

(1) Memo from Government, Development Department, No. 24765-I/38-2 dated 20-9-38.

P 3 anta

(2) From C.C.Wilson Esquire, I.F.S., Chief Conservator of Forests, Ref.No 8457/38-D-1 dated 21st December 1938

Reference:

Submitted to the Government.

4 pp 7 12 enpa

3 pp 7-8 enpa

2. The Board agrees with the Collector and the Chief Conservator of Forests and considers that there is no case for the assignment of the land to the petitioner waiving collection of the seiniorage fee. It also observes that the plots are purely non.kumaki Government waste lands.

3. The extent of the lands to be assigned exceeds 5 acres.

5

According to the orders of Government in their Memo No. 3530-F/37-4 Revenue dated 25-10-37, the question of -- assignment can be taken only after the ban against assign ment is removed.

4. The Board also submits that the petitioner has not so far sought the redress from the Board against the Collector's order D.Dis.3324/38 dated 16-8-38.

for Secretary. 21-2-39

To The Secretary to Government, Development Department,

with the Chief Conservator's letter and enclosures in original and records as per list-to be returned.

S.G/20-2-39.

6

List of enclosures to Board's Ref/B.No.126/37-1 dated 15-2-39.

(1) Taluk D.R.128/43 (2)

(2) Collector's D.Dis.3075/34 dated 4-8-34 (J)

(3) 3324/38 dated 16-8-38. (K)

7

C.F. 38.

Forest **DEPARTMENT.** B126

874

Received ..... 19 *Registered* 19

BOARD OF REVENUE 5 JAN 1939 MADRAS

Subject.

Assignment land - South Kanara - Petition from Sri S.Anantapadmanabha Bhatt

ENCLOSURES.
No. .....
.....
Spare copies .....

Refce.No. 8457/38-D1

Station Chepauk, Madras, *Dated the* 21st December 19 38

From (Name) C.C.Wilson Esq., I.F.S.,

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.
THROUGH THE BOARD OF REVENUE, CHEPAUK, MADRAS.

Sir,

p 3 ante

Refce:-Development Department Memorandum No.24765-I/38-2, dated 20th September 1938.

Submitted to Government through the Board of Revenue.

p 14 ante

2. I support the attitude of the Conservator of Forests. There is no objection to the assignment from a Forest point of view. But there is no case whatever for the waiver of the seigniorage fees on the trees. Seigniorage fees should therefore be collected from the applicant, before

assignment, or the Forest department should be permitted to carry out their original intention of marketing the mature trees. The seigniorage value of the tree growth left, after removal of mature trees, will be considerably smaller than the figure originally quoted.

3.1.39

for Chief Conservator of Forests,
Madras.

Encs:-
DKS/24.12.
24.12
3/1/39

9

Ref.Al.6314-38.

South Kanara Collector's Office,
Mangalore, dated 15th October 1938.

From

Sri Rao Bahadur M. V. Vellodi, B.A.,
Collector of South Kanara.

To

The Secretary to the Government,
Development Department, Madras.

Through

The Conservator of Forests, Ootacamund Circle.

The Chief Conservator of Forests, Chepauk, Madras.

&
The Secretary to the Board, Land Revenue & Settlement,
Madras.

Sir,

ASSIGNMENT Land (South Kanara) - Udipi Taluk - Bairampalli village - S.Nos. 164/2 and 211/2 - Sri S. Ananthapadmanabha Bhatta -Petition - Reported -

Government Memorandum No.24765-I/38-2 dated 20.9.1938.

The petitioner, Sri S. Ananthapadmanabha Bhatta seeks a revision of my order D.Dis.No.3324/38 (K) dated 16.8.38 declining to reconsider the order D.Dis.3075/34 dated 4.8.34 already passed by the previous Collector, Mr. Gawne.

2. The petitioner had applied on 28.8.1933 for the assignment of plots S.Nos. 164/2 and 211/2 measuring in the aggregate acres 10.00 of Bairampalli village, Udipi Taluk, claiming them on the ground of exclusive possession and enjoyment by conservation of tree-growth consisting mostly of valuable Hopea (Kiralbhogi) trees and plants. In that ---- application he had also complained that the Forest Department had marked some of the trees for extraction and that the felling of the trees would diminish the water supply in the

tank constructed at a cost of Rs.200/- by his predecessor in S.No.211/2 and thereby rendering it impossible to raise in his warg lands the 2nd crop which depended solely on this water-supply for the preservation of which the tree-growth had been conserved by him and his predecessor.

3. The plots being purely non-kumaki Government waste lands, their assignment had to be ordered only after levying the seigniorage value of tree growth existing in them which was estimated at Rs.2167-9-3. The petitioner however claimed the waiver of the seigniorage value on the ground of conservation of tree-growth. The Tahsildar on personal inspection supported the petitioner's plea of conservation reporting that the plots contained dense tree-growth mostly of the Kiralbhogi species and that these plots together with the adjoining plots S.Nos.147 and 152 already assigned to the petitioner constituted a compact "hadi" or forest of well-preserved trees protected on the west by a thorny fence which prevented others from having access to it. He, therefore, appllied in his N.Ref.D.R.128/43 dated 22.6.34 for Collector's sanction for the assignment of the plots to the petitioner free of seigniorage but subject to the payment of back assessment for ten years in lieu of seigniorage. The Sub Collector. Goondapur. however, did not agree with the --- Tahsildar's recommendation for the waiver of such a large seigniorage amount of Rs.2167-9-3 stating that even from the Tahsildar's inspection it was clear that the trees were only of a spontaneous growth on Government land. He, therefore recommended the sale of the trees by public auction after consulting the District Forest Officer. As the Forest --- Department had already marked some of the trees for sleeper operations the District Forest Officer was consulted whether he had any objection to the assignment. Mr. Griffith, the District Forest Officer reported that this was a case of a rich man of the village annexing unreserves by his influence

pp53-56 (2)

p2 cf 9 (4)

p5 cf 9 (4)

for his enjoyment and keeping others out and that though from the point of view of water supply the tree growth particularly of young trees should be conserved, the ------- petitioner's intentions were shown by the State to which the adjoining plots had been reduced by the entire exploitation of all the tree growth thereon. He added that the petitioner was also an ardent non-co-operator convicted and sentenced to imprisonment and fine and that he did not deserve any special consideration. He strongly recommended that the plots may be retained by Government. The Collector, Mr. Gawne thus passed orders, D.Dis.3075/34, dated 4.8.34 rejecting the darkhast and directing the entry of the plots as 'reserved' under B.S.O.No.15-35 (iii).

4. The petitioner did not seek a revision of this order either with the Board of Revenue or Government at that time. It is only on 27.5.1938 after a lapse of more than 3 years that he approached me with a petition praying for a cancellation of Mr. Gawne s order and the assignment of the plots to him and also requesting that a stay order might be issued to the Forest Department which had decided to cut the trees marked by it. I directed the District Forest Officer to stay the cutting of trees till the final disposal of the petition and enquired into this petition. The ----- District Forest Officer whom I consulted stated that the plots might not be granted on darkhast till all the timber trees were extracted by his Department. In the enquiry, I also found that there were no new facts which would ------ justify a reconsideration of the order already passed. I accordingly passed my order D.Dis.3324-38, dated 16.8.38 rejecting the application.

5. The petitioner seeks a revision of this order. As ordered by the Government, I have again consulted the District Forest officer and he says that he has no further remarks to offer in the light of all the previous corres-

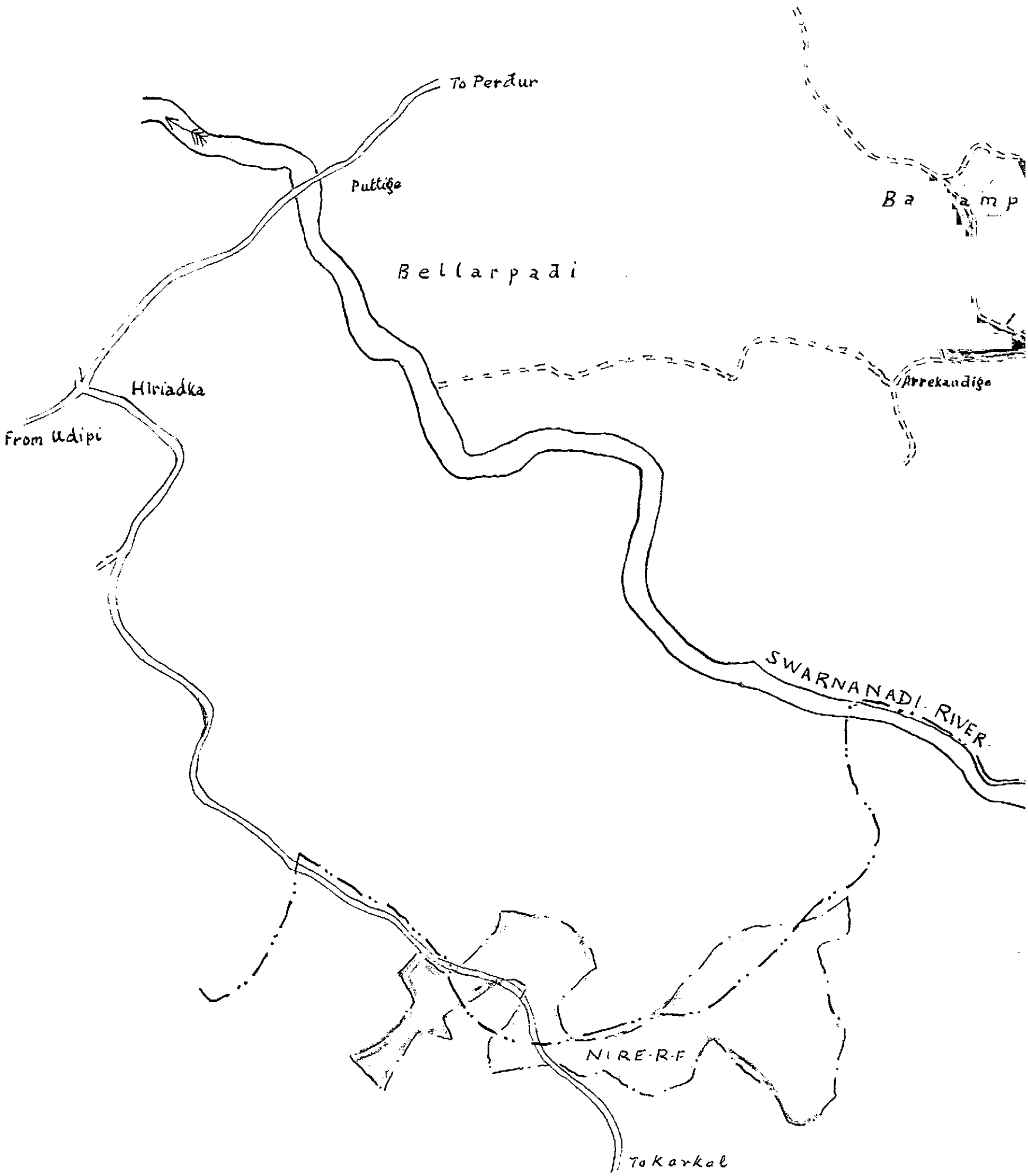
pondence found in the records of this office D.Dis.3075/34, dated 4.8.1934 and D.Dis.3324/38. dated 16.8.1938. The fellings have been stayed by the District Forest Officer as ordered. (k) (4)

6. I enclose the connected records as noted in the margin.

1. Taluk D.R.128/43.
2. Huzur D.Dis.3075/34, dated 4.8.34.
3 " 3324/38, dated 16.8.38.

For Collector.

18.10.38


To Perdur
Puttige
Bellarpadi
Ba
a m p
Hiriadka
From Udipi
Arrekandige
SWARNANADI RIVER
NIRE·R·F
To Karkal

Tracing from S.9 Map 2" No. 48 K/15 of Chaning Survey
Fields 164/2 and 211/2 in Bairampalli Village
Udipi Taluk
Scale 2" = 1 Mile

REFERENCE

RESERVED FOREST BOUNDARY.

UNRESERVES

SURVEY FIELDS 164/2 & 211/2

TALUK BOUNDARY

L. F. ROAD

CART TRACK

RIVER

PATTA LANDS.

(True Copy)

(SD) M. Kesavamma Nair
27.11.38
D.F. Forest Officer
South Kanara

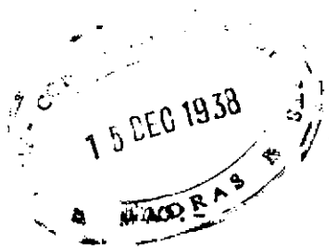
B/o

S. Dhanaraja Reddy
Manager 14-XII-38

DESPATCH
14 DEC 1938

43

Endorsement of the Conservator of Forests, Ootacamund Circle, Ootacamund, on Refce. No.A.1.6314/38 dated 15th October 1938 from the Collector of South Kanara the Secretary to the Government, Development Departm Madras.



1. 1 Sketch
2. S.U. Collr's Report to the Secretary to Govt (in duplicate)
3. Collr's D.Dis 3075/34
4. LP 33 of 38
5. Mudipi Taluk Sam's DR 129/43

Ref.No.D.3215/38 dated 8-12-1938.

Submitted to the Chief Conservator of Forests, Madras, with reference to No.8407/38/A1, dated 22nd September 1938.

2. I enclose a sketch map to show the situation of the land in question which is remote from any Reserved Forest. It can be found on the 2" Survey of India sheet 48-K.15 S.

3. Whilst welcoming the attitude adopted in urging conservation of water sources as an argument in favour of control of forest, I cannot see any grounds upon which seigniorage should be waived, or even reduced. Knowing that type of country, I am confident that the felling of the trees now ripe for harvesting will not cause the drying up of the cultivator's water sources.

4. Unless he is prepared to pay the seigniorage bill, Government should collect this very useful piece of revenue by departmental felling.

Forest Conservator's Office, Ootacamund Circle, Ootacamund dated 8th December 1938.

(sd) C.C.Robinson, Conservator of Forests, Ootacamund Circle.

Copy to the Collector of South Kanara, Mangalore.

(True copy)
(By Order)

S. Dhanarajan Reddiar
Manager. 12-XII-38

M. 10/12.

12/12

OFFICE
14 DEC 1938

Forest - S. Kumara - Indipi Tahsn.
Byrampalli village - Assignment of land
Petn. from Smt S. Anantapadmanabha Bhatta dy 19.9.38

Ppi-2 ef

Secy Dev

Kindly treat this as urgent

19.9.38

A draft ott to the CCR is submitted for approval It may be sent to Revenue for perusal before issue

19/9/38

Rev

ASSISTANT SECRETARY TO GOVERNMENT
19 SEP 1938
REVENUE DEPARTMENT

Rev 6847
19-9-38

19/9

Dev cw 24765-I/38-1

19/9/38

Rev

Hon. Minister. The Collr may be asked to submit his report thro the RD

19/9 Dev

cw 6847-I/38.

ASSISTANT SECRETARY TO GOVERNMENT
19 SEP 1938
REVENUE DEPARTMENT

dw 24827-I
19.9.38

Rev Dept.

The O.M. as added to may issue

Issue

Rs
20/9

RL
20/9

Rs
20938 O.M. No. 24765-I/38-L dt 20.9.38 p2cf

From the Board of Rev. Reg. B. No. 126/35-1 p4cf

dt 15.2.39

Please see the petitioners pp1-2 CF and the reports of the Collr, Conservator CF and the Board of Rev on pp4-4A CF

The C.C.F. and the Board agree to the arrangement of the land asked for by the petitioner provided the seigniorage fees amounting to over Rs. 2,000/- are paid. But no reference appears to have been made to the petitioner asking him definitely whether he would pay the fees. A

In view of the orders of Govt prohibiting the assignment of land over 1000 acres until the loan is removed, it is for orders whether the point referred to in Letter A above should now be made clear by a reference to the Board of Rev. The file may be sent to the Rev Dept for

remarks before circulation. The petitioner appears to be a rich man - vide Tahsildar's report at p. 6 g (4) - and there seems to be no reason to waive Seigniorage fees.

Dy. The petitioner is prepared to pay the Seigniorage fees, he may be given the lands applied for waiving the rent against the grant for the five years.

It may also be mentioned as to why the market value of the land has not also been collected

KK
28/2/39

There is no real justification for waiving Seigniorage fees, as the fees are heavy and the party is rich & can afford to pay.

The question of market value has perhaps to be considered in the light of the description of the land "non-Kumaki Govt. Waste land".

The question of lifting the ban against assignment of more than 5 acres as a special case (Govt. Memo. B530-F/37-4 Revd 25-10-37) has to be considered in Rev

MW
2/3/39

Rev

p/1 (1)

Dev no 4476 - I/39-3
3/3/39

To U.S.

Please see the petition at pp.1-2 C.F., the Bd.'s report at pp.4-5 C.F, and the notes from page 1 ante.

2. The petitioner, Sri S. Ananthapadmanabha Bhatta has appied for the assignment of an extent of 10.00 acres in S.Nos.164/2 and 211/2 of Bairampalli village, Udipi taluk, South Kanara district. The plots are reported to be purely non-kumaki Government waste lands containing tree-growth of the value of Rs.2167-9-3.

para 1 p1 cf + para 2 p9 cf

para 3 p10 cf
vide also para 2 p4 ante

3. In D.Dis.3075-34, dated 4.8.34, the petitioner's application was rejected, by the Collr for the reason that ~~the petitioner~~ was a non-cooperator village officer and the Tahsildar was ordered to enter the lands as "reserved" under B.S.O.15.35 (iii) i.e. land containing valuable trees. The C.C.F. and the Bd. now ~~recommend~~ state that there is no objection to the assignment but that there is no case whatever for the waiver of the seigniorage fees on the trees which ~~xxxxxx~~ has been reported to be Rs.2167-9-3. In 1934, the Tahsildar reported that the petitioner was holding in the village 196.70 acres of wet and garden lands and 59.47 acres of dry land including 12.84 acres of non-kumaki assigned to him after settlement. As the extent of the land is 10 acres the sanction of the Government is necessary for its assignment.

p13 (Y)
This is not correct as this political history was only an incident. The request was rejected for the reasons at A the U.S.'s note below p.51 of Bk.No.1. The petitioner is reported to have not applied to the Bd. for redress. para 4 p5 cf

para 2, p7 cf

para 2 p4 cf

para 3 p10 cf

last para p6 (Y)

para 2 p9 cf

M AD 35 36 of 37-12
7.12.36

231 (I)

4. Dev. consider that there is no real justification for waiving seigniorage fees, as the fees are heavy and the party is rich and can afford to pay. They also state that the question of market value has perhaps to be considered in the light of the description of the land "non-kumaki Govt. waste land". The value of the land has not, however,

p3 ante

21

been reported. As ~~it~~ the Land has not been reported to be specially valuable ~~xxxxxx~~ it appears that the collection of land value is not being considered by the Board.

5. For orders whether this department may agree with the Bd. of Rev. that there is no case for the assignment of the lands to the petitioner waiving collection of the seigniorage ~~fees~~ on the tree growth. May be circulated to H.M(Revenue) and H.M(Agri & R.D) The remarks of Finance may be invited before circulation.

RDD 9.3.39.

Dr 1093

The most important point to be noticed is that the land is Govt. land & the tree growth thereon is spontaneous. It has been reported that this is a case of a rich man annexing the village unreserved land for his enjoyment and keeping the others out. The pet also reported to have denuded the neighbouring land of tree growth. The land is now registered as "reserved" In the circumstances, the assignment of the pet cannot be recommended even on payment of the tree value. H.M. Rev. does not want land given to the rich men who have already got enough land. The file may be circulated to H.M. Rev & H.M Agr & R.D, inviting attention to Sect. Section 20 (4) & the proviso thereunder.

p. 10 C.f.

M on his 10 11/4

A.

cl'd

p. 26 of B.F. No 84

HMD 9/1/3

5

This may be sent under the Land Registration Act

H.M. Rev 4/5/39

H.M. Agri. 7.5.39

The request may be refused

DLH 12/3.

d: 13.3.39

Please see the note at pp 4-5 above and the order of the late A.N. Rev at the bottom of page 5.

It is submitted that it does not seem necessary to let the matter lie over and it is for order whether the assignment may be refused

(The C.C.P. has reminded twice for order

Certificate filed
Memorandum for service
of T.M. supplied
to C.C.P

Please see A2's orders on p. 6 ante. A draft order is submitted for approval. Dev. may see before issue.

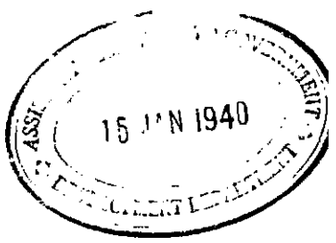
JJ220
12/1/40
M
141

12/1

Dev.

Rev wo No 1209 F/38-1
12.1.40.

Rev. Dept



A.S.

The draft order may be formally and duly be returned to Rev. Dept

1586

16.1.40.

16-1-40

Rev

6/1/40

Dev 1588 ?/40-1
16.1.40

24F
17 JAN 40

17/1

25 Revenue Department

C.F. 16.

DRAFT FOR APPROVAL

	Date.	Initials.
When received for fair copying	12/1	18/1/40
When copied		
When examined		
When signed		
When despatched.		

Source:—

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

C. No. 1209 F/40. From ~~the~~ Sri S. Anantapadmanabha ~~No.~~ Bhatta Petition dated 19.9.38. — pp 1-2 CF

" _____ Dep. Dept. Memo. No. 24765 I/38-2 dt. 20.9.38 " _____ 19____. p 3 CF

" _____ From the Board of Rev., Ref. B. No 126/39-1 dt 15-2-39. " _____ pp 4-5 CF

" _____ " _____ " _____ " _____ 19____.

Order / ~~Resolution~~ Ms. / ~~Rent~~. No. 1144 dated 18.1.40 19____.

The Government see no reason to intervene on behalf of the petitioner. The petition ~~read above~~ is rejected.

A2's orders on p 6 N.

To Sri S. Anantapadmanabha Bhatta, 12/1
No. 40, Byrampalli Village, Uchipi Taluk, South Kanara

To the Board of Revenue (with enclosures as per list). p 6 CF

To the C.C.F. thro' Dep. with reference to his Ref. No. 845-7/38-D-1 dt 21.12.38 pp 7-8 CF

Dpd with covers 19.1.40